

Notice of Allowability	Application No.	Applicant(s)	
	09/974,728	AKISHIBA, YUJI	
	Examiner D. Ben Esplin	Art Unit 2851	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Application as filed.
2. The allowed claim(s) is/are 1-6.
3. The drawings filed on 10 October 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) The translation of the foreign language provisional application has been received.
6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. CORRECTED DRAWINGS must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No. _____.
 - (b) including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____. | <input type="checkbox"/> Examiner's Amendment/Comment |
| <input checked="" type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | <input type="checkbox"/> Other . |

DETAILED ACTION

Allowable Subject Matter

Claims 1-6 are allowed.

The following is an examiner's statement of reasons for allowance: The primary reason for allowance of the non-contact type profile measuring apparatus of claims 1-6 is the inclusion of a two image sensors, one that is one dimensional, and one that is two dimensional, and a monitor image of the measurement object including a measured portion. The instant application is deemed to be directed to a nonobvious improvement over profile measuring apparatus of the type shown in U.S. Patent No. 3,947,129 to Wiklund. Wiklund includes only one image sensor and a diaphragm and lens, and therefore also lacks the structure of the subject application used to incorporate the second image sensor, like the image sensor itself and a beamsplitter. Also considered by Examiner were various two image sensor systems such as U.S. Patent No. 5,615,014 to Okuda and the one shown in FIG. 5 of U.S. Patent No. 4,129,384 to Walker et al. Although these teach the use of two image sensors and such structure as a beam splitter, and in the case of Okuda a diaphragm of sorts (removal means 27) in profile measuring apparatus, they are silent concerning the use of one sensor that measures in one direction and one sensor that takes measurements in two dimensions, and the subsequent combination of the data from the two sensors to form a monitor image including a measured portion as described in the specification and shown in the drawings of this application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,893,929 to Miyamoto discloses a particle analyzing apparatus including a beamsplitter and two separate image sensors for determining the dimensions of a particle.

U.S. Patent No. 4,207,002 to Gara et al. discloses an apparatus for detecting an output image by using a beamsplitter and two image sensors and two diaphragms.

U.S. Patent No. 4,636,080 to Feldman discloses a two-dimensional imaging apparatus using two image sensors and a beam splitter.

U.S. Patent No. 4,648,712 to Brenholdt discloses an apparatus for analyzing a fabric web including the use of a beam splitter, two image sensors, and two diaphragms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Ben Esplin whose telephone number is (703) 305-4022. The examiner can normally be reached on Mon.-Fri. (8am-4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell E. Adams can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


DBE


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